

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PAUL COX, individually and on behalf)
of the classes defined herein,) 08-C-1005
)
Plaintiff,) Judge Guzman
) Magistrate Judge Ashman
v.)
)
UNIFUND CCR PARTNERS;)
CREDIT CARD RECEIVABLES)
)
FUND, INC., and)
ZB LIMITED PARTNERSHIP,)
)
Defendants.)

**PLAINTIFF'S MOTION FOR A HEARING ON (1) PLAINTIFF'S MOTION
FOR LEAVE TO FILE AN AMENDMENT TO THE COMPLAINT,
AND (2) PLAINTIFF'S MOTION TO COMPEL**

Plaintiff, Paul Cox, respectfully asks the Court to grant a hearing on plaintiff's motions (1) for leave to file an amendment to the complaint and (2) to compel.

In support of this motion, plaintiff states as follows:

1. In this putative class action, plaintiff seeks redress pursuant to the Fair Debt Collection Practices Act, (“FDCPA”), 15 U.S.C. §§1692e and 1692f for defendant’s policy and practice of filing lawsuits on time-barred debts.

2. On June 18, 2008, plaintiff filed a motion to file an amendment in this matter before the Honorable Ronald A. Guzman.

3. Subsequently on June 20, 2008, plaintiff filed a motion to compel, also before Judge Guzman.

4. On June 23, 2008, Judge Guzman referred the motion to compel to your Honor. Subsequently on June 24, 2008, plaintiff's motion for leave to file an amendment to the

complaint was also referred to your Honor.

5. Presently, plaintiff has a motion for class certification pending before this court. Plaintiff's reply brief is due on August 8, 2008.

6. Plaintiff issued written discovery on March 21, 2008.

7. The discovery cut-off date in this matter was extended to September 30, 2008.

8. The discovery sought in plaintiff's motion to compel is needed for plaintiff to file a reply brief in support of his motion for class certification and for the vigorous prosecution of his case.

9. Defendant still has outstanding discovery responses due to plaintiff.

10. Plaintiff's motion for leave to file an amendment also relates to plaintiff's pending motion for class certification.

11. Plaintiff seeks an Amendment to the class definition in Count II as follows: (a) all individuals with Illinois addresses, (b) against whom defendant filed suit on a credit card debt allegedly originated by First USA Bank (c) where both the date of charge off and the date of last payment, as shown by defendant's records, were more than five years prior to the date of filing, (d) where the lawsuit was filed or served on or after a date one year before the filing of this action and prior to a date 20 days after the filing of this action, and (e) defendant did not attach to the complaint a written contract signed by both the original creditor and the putative debtor. *For purposes of the class definition, the date of last payment does not include payment preceded by a collection lawsuit or a threat of suit by Defendants.* (Emphasis added).

12. Plaintiff will be prejudiced if her pending motions are not heard prior to the

various upcoming deadlines.

WHEREFORE, for the foregoing reasons, plaintiff respectfully asks the Court to order a hearing on plaintiff's motion for leave to file an amendment to the complaint and on plaintiff's motion to compel.

Respectfully submitted,

s/ Tiffany N. Hardy
Tiffany N. Hardy

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CERTIFICATE OF SERVICE

I, Tiffany N. Hardy, hereby certify that on July 15, 2008, the foregoing document and the document referred to therein were filed electronically. A copy of these documents were served via the Court's ECF system on the following individuals:

Joseph P. Kincaid
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s/ Tiffany N. Hardy
Tiffany N. Hardy